

Dear Senators MCKENZIE, Davis, Stennett, and
Representatives LOERTSCHER, Batt, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Department of Administration - Admin/Public Works - Facilities Services:
IDAPA 38.04.04 - Rules Pertaining To Capitol Mall Parking - Fee Rule (Docket No. 38-0404-1401)
- Temporary and Proposed Rule.

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 08/22/2014. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 09/19/2014.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the memorandum attached below.



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee
FROM: Legislative Research Analyst - Elizabeth Bowen
DATE: August 05, 2014
SUBJECT: Department of Administration - Admin/Public Works - Facilities Services

IDAPA 38.04.04 - Rules Pertaining To Capitol Mall Parking - Fee Rule (Docket No. 38-0404-1401) - Temporary and Proposed Rule

The Department of Administration submits notice of temporary and proposed rulemaking at IDAPA 38.04.04. The temporary and proposed rule amends the existing rule to make possible the management of the new parking garage on the Capitol Mall. Additionally, the temporary and proposed rule increases monthly parking fees for reserved and general parking permits. The reserved parking fee will increase from \$25 to no greater than \$40 per month, and the general parking fee will increase from \$5 to no greater than \$10 per month. The Department states that the increased fees are necessary to fund security and maintenance of the new parking garage. The Department anticipates that the fees will generate approximately \$150,000 annually.

The temporary and proposed rule also increases the cap on the number of reserved parking spaces from 15% to 25%, and clarifies eligibility requirements for permits.

The effective date of the temporary rule is August 1, 2014. The Department did not conduct negotiated rulemaking but states that the Governor has found temporary adoption of the rule appropriate to allow the Department to manage the new parking garage. The temporary and proposed rule is consistent with the Department's rulemaking authority under Section 67-5709, Idaho Code.

cc: Department of Administration - Admin/Public Works - Facilities Services
Teresa Luna

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Idaho Department of Administration

Agency Contact: Keith Reynolds Phone: 208-332-1812

Date: June 23, 2014

IDAPA, Chapter and Title Number and Chapter Name:

IDAPA 38.04.04, "Rules Governing Capitol Mall Parking"

Fee Rule Status: Proposed Temporary

Rulemaking Docket Number: 38-0404-1401

STATEMENT OF ECONOMIC IMPACT:

Total revenue increase is anticipated to be approximately \$150,000, (about 90 % paid by state employees).

Additional revenue will be used to fund increased operating costs from the opening of the new garage at 7th and Washington and to defray the bond service from the construction.

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.04.04 - RULES GOVERNING CAPITOL MALL PARKING

DOCKET NO. 38-0404-1401 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 1, 2014.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 67-5226 and 67-5709, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 16, 2014.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

It is necessary to amend the existing rules to make possible the utilization, management, and collection of fees for the newly constructed parking garage located on the Capitol Mall. This rulemaking updates parking locations and adds a reference to the newly constructed garage at 7th Street and Washington Street, increases the cap on the number of reserved parking spaces from 15% to 25%, defines legislative parking, defines visitor parking at the Capitol Annex, clarifies eligibility requirements for specific permits, and increases the monthly parking fees for reserved and general parking permits.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that amending the temporary rule is appropriate for the following reasons:

To allow the Department of Administration to administer use of the newly constructed parking garage on the Capitol Mall for the benefit of state employees and state agencies.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

Fee changes are necessary to fund security and maintenance of the newly constructed parking garage. Reserved parking fee will increase from \$25 per month to an amount not to exceed \$40 and a general permit will increase from \$5 to an amount not to exceed \$10 per month.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

Total fiscal impact of the proposed fee increases is approximately \$150,000 annually. Approximately 90% of the fees are paid by Capitol Mall employees. The remaining 10% of the fiscal impact will be split equally between the General Fund and other sources.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. The Department of Administration determined that negotiated rulemaking was not feasible because of the need to adopt a temporary rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Teresa Luna, Director, at (208) 332-1826.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 23, 2014.

DATED this 20th day of June, 2014.

Teresa Luna
Director
Department of Administration
650 W. State St.
P. O. Box 83720
Boise, ID 83720-0013
Phone: (208) 332-1826 Fax: (208) 334-2307

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF FEE DOCKET NO. 38-0404-1401
(Only those Sections being amended are shown.)**

010. DEFINITIONS.

01. Capitol Mall. The Capitol Mall consists of the following buildings: State Capitol (700 W. Jefferson Street), Joe R. Williams (700 W. State Street), Len B. Jordan (650 W. State Street), ~~550 W. State Street~~ ~~P~~ parking Garage #1 (550 W. State Street), Pete T. Cenarrusa (450 W. State Street), Division of Public Works (502 N. 4th Street), Alexander House (304 W. State Street), State Library (325 W. State Street), 954 Jefferson (954 W. Jefferson Street), Capitol Annex (514 W. Jefferson Street), Blind Commission (341 W. Washington Street), Borah Building (304 N. 8th Street), State Parking Garage #2 (608 W. Washington Street); and Idaho Supreme Court (451 W. State Street). ~~(3-29-10)(7-1-14)T~~

02. Capitol Mall Employee. A state employee whose assigned work area is in the Capitol Mall, and who receives a state of Idaho-issued paycheck from a tenant of the Capitol Mall. (3-29-10)

03. Carpool. A vehicle carrying two (2) or more Capitol Mall employees who ~~are working in work at~~ the Capitol Mall at least four (4) work days per week. ~~(3-29-10)(7-1-14)T~~

04. Employee with a Disability. An employee with a disability as defined in Section 49-117(7)(b), Idaho Code. (3-29-10)

05. Executive Branch Departments. Pursuant to Section 67-2402, Idaho Code, and for purposes of this rule, the following are the departments of the executive branch: Department of Administration, Department of Agriculture, Department of Commerce, Department of Correction, Department of Environmental Quality, Department of Finance, Department of Fish and Game, Department of Health and Welfare, Idaho State Police, Idaho Transportation Department, Industrial Commission, Department of Insurance, Department of Juvenile Corrections, Department of Labor, Department of Lands, Department of Parks and Recreation, Department of Revenue and Taxation, State Board of Education and Department of Water Resources. This definition excludes the Department of Self-Governing Agencies. ~~(3-29-10)(7-1-14)T~~

06. Facilities Services. Bureau of Facilities Services, Division of Public Works, Department of Administration. (3-29-10)

07. General Parking. A parking space used for all Capitol Mall employees registered for general parking. (3-29-10)

08. Legislative ~~Attaché~~ Personnel. An employee hired by the Legislative branch that receives a state of Idaho-issued paycheck during the Legislative session or is a year round employee of the Legislative branch. ~~(3-29-10)(7-1-14)T~~

09. **Legislator.** A member of the Idaho Senate or the Idaho House of Representatives for the state of Idaho. (3-29-10)
10. **Reserved Parking.** A parking space assigned to a ~~particular~~ specific person, vehicle or agency. ~~(3-29-10)~~(7-1-14)T
11. **State Elected Officials.** The governor, lieutenant governor, secretary of state, attorney general, state controller, state treasurer and superintendent of public instruction, for the state of Idaho. (3-29-10)
12. **Temporary Contract Employee.** An employee of a temporary employment service company who is working temporarily for a tenant of the Capitol Mall, and who does not receive a pay check issued by the state of Idaho. ~~(3-29-10)~~(7-1-14)T
13. **Visitor.** Any person visiting the Capitol Mall to carry out state business or attend a state-sponsored event. (3-29-10)

011. -- 019. (RESERVED)

020. PARKING LOT LOCATIONS.

All Capitol Mall parking lots will be identified by signage. Capitol Mall Parking manages the state-owned parking lots at the following locations: 550 W. State Street Parking Garage, State Parking Garage #1; 608 W. Washington Street, State Parking Garage #2; 10th and Jefferson Streets, 8th Street between State and ~~Bannock~~ Jefferson Streets, ~~7th and Washington Streets,~~ and 3rd and Washington Streets. Capitol Mall Parking also manages parking spaces in and around the following Capitol Mall buildings: Capitol Annex, Len B. Jordan, Pete T. Cenarrusa, Division of Public Works, Borah Building and Idaho State Library. ~~(3-29-10)~~(7-1-14)T

(BREAK IN CONTINUITY OF SECTIONS)

022. PARKING SPACE ALLOCATION.

01. **Reserved Parking Spaces.** (3-29-10)
- a. Reserved parking spaces are available for state elected officials and directors of executive branch departments as defined in Subsections 010.05 and 010.11 of these rules. Capitol Mall Parking will assign a reserved space to each state elected official and director of executive branch departments upon request. ~~(3-29-10)~~(7-1-14)T
- b. Reserved parking spaces will be made available to the Senate pro-tem, and the speaker of the House of Representatives. Capitol Mall Parking will assign a reserved space to each individual. (3-29-10)
- c. All other Capitol Mall employees may apply for a reserved parking space. General reserved parking spaces are assigned to Capitol Mall employees on a first-come, first-served basis when designated reserved parking spaces become available. (3-29-10)
- d. Reserved parking spaces for state elected officials, directors of executive branch departments and Capitol Mall employees are located in the following parking lots only: the first floor of ~~the 550 W. State~~ Street Parking Garage #1; the first and second floors of State Parking Garage #2, the Pete T. Cenarrusa Building parking lot, and the 8th Street parking lot between State and ~~Bannock~~ Jefferson Streets. ~~(3-29-10)~~(7-1-14)T
- e. Capitol Mall Parking will determine the location of all reserved parking spaces. (3-29-10)
- f. Reserved parking spaces for state elected officials, directors of executive branch departments and Capitol Mall employees will not exceed ~~fifteen~~ twenty-five percent (~~15~~25%) of ~~general~~ parking spaces available within the Capitol Mall. ~~(3-29-10)~~(7-1-14)T

~~g.~~ Capitol Mall employees may not sell, trade or barter the right to use their assigned reserved parking space. Capitol Mall Parking retains the right to assign, reassign, suspend or revoke Capitol Mall employees' reserved parking spaces at any time. (3-29-10)

02. Legislators' Parking Spaces. During Legislative sessions and special sessions, Capitol Mall Parking will make available up to one hundred three (103) reserved Legislator parking spaces to Legislators. ~~(3-29-10)~~(7-1-14)T

a. Each Legislator ~~may chose to park in either a general Legislative parking space or~~ will be assigned a reserved Legislator parking space. ~~Each~~ A Legislator who elects to park in the Capitol Mall is required to ~~purchase the appropriate~~ pay the fee for the reserved parking permit. ~~(3-29-10)~~(7-1-14)T

b. ~~General Legislator and reserved~~ During the Legislative session, Legislator reserved parking spaces will be on the third floor of ~~the 550 W. State Street~~ Parking Garage #1, 8th Street parking lot, and the Capitol Annex parking lot and will be clearly marked. When the Legislature is not in session, all Legislator parking spaces will be redesignated as general parking spaces. ~~(3-29-10)~~(7-1-14)T

c. When the Legislature is not in session, ~~a~~ Legislators or Legislative ~~attaché~~ possessing personnel who hold a valid Capitol Mall parking permit, may park in any general parking space. ~~(3-29-10)~~(7-1-14)T

03. Disabled Employee Parking Spaces. Capitol Mall Parking will make available reserved disabled employee parking spaces for employees who have a proven disability. (3-29-10)

a. A temporarily or permanently disabled employee who has obtained an Americans with Disabilities Act (ADA) placard issued by the Idaho Transportation Department may request a reserved disabled employee parking space as close as possible to the employee's work location. (3-29-10)

b. A disabled employee requesting a reserved disabled employee parking space must provide either a copy of his Americans with Disabilities Act (ADA) placard issued by the Idaho Transportation Department or a copy of the application to the Idaho Department of Transportation for an Americans with Disabilities Act (ADA) placard. (3-29-10)

c. ~~If Capitol Mall Parking only receives a copy of the application to the Idaho Department of Transportation for an Americans with Disabilities Act (ADA) placard, Capitol Mall Parking will provide a~~ A temporary reserved disabled employee parking space will be provided to any eligible employee who has applied for an until the Americans with Disabilities Act (ADA) placard issued by with the Idaho Department of Transportation is received but has not yet received the placard. A temporary reserved disabled parking spaces will ~~only~~ be made available for five (5) working days only per disabled employee. ~~(3-29-10)~~(7-1-14)T

d. Reserved disabled employee parking spaces will be marked with signage. (3-29-10)

e. A permit for a reserved disabled employee parking space will be the same fee as a permit for a general parking space. (3-29-10)

04. Carpool Parking Spaces. Capitol Mall Parking will make available an indeterminate number of carpool parking spaces, which will be clearly marked, to employees who carpool at least four (4) work days per week. (3-29-10)

a. Capitol Mall employees who carpool may request a carpool parking permit from Capitol Mall Parking to use a designated carpool space. (3-29-10)

b. Carpool parking spaces will be available on a first-come, first-served basis for vehicles carrying two (2) or more Capitol Mall employees. All carpooling employees must be employees of the Capitol Mall and at least one (1) carpooling employee must have a general parking space permit. (3-29-10)

c. A permit for a carpool parking space will be the same fee as a permit for a general parking space.

(3-29-10)

d. All unoccupied reserved carpool parking spaces will be redesignated as general parking spaces after 9 a.m. work days. (3-29-10)

e. It is a parking violation to park in a reserved carpool parking space when the vehicle is carrying less than two (2) Capitol Mall employees before 9 a.m. (3-29-10)

05. State-Owned Vehicles Parking Spaces. Capitol Mall Parking will make available designated state-owned vehicle parking spaces. (3-29-10)

a. Capitol Mall Parking will make available an indeterminate number of designated state-owned vehicle parking spaces to department tenants of the Capitol Mall. (3-29-10)

b. Designated state-owned vehicle parking spaces will be on the ~~fourth~~ fifth level of the ~~550 W. State Street~~ Parking Garage #1, and will be clearly marked "State Vehicle Only." ~~(3-29-10)~~(7-1-14)T

c. A Capitol Mall employee may park his personal vehicle in a designated state-owned vehicle parking space when removing a state vehicle for state purposes. The Capitol Mall employee's personal vehicle must display the reserved state-owned vehicle parking space permit. (3-29-10)

d. A visiting agency employee conducting official business at the Capitol Mall may park a ~~state-owned~~ vehicle in an unoccupied designated state-owned vehicle parking space or in any Capitol Mall visitor parking space. ~~(3-29-10)~~(7-1-14)T

06. Motorcycle Parking Spaces. Capitol Mall Parking will make available designated motorcycle parking spaces. (3-29-10)

a. Capitol Mall employees may request a special motorcycle parking permit for motorcycles, at no additional cost, to park in the designated motorcycle parking areas. (3-29-10)

b. In order to receive a motorcycle permit, the Capitol Mall employee must possess a valid general or reserved parking permit. (3-29-10)

07. General Parking Spaces. All other undesignated parking is considered general parking. (3-29-10)

a. All Capitol Mall employees whose parking fees are deducted from their paychecks by the State Controller's Office may request a general parking permit from Capitol Mall Parking. ~~(3-29-10)~~(7-1-14)T

b. General parking spaces are available on a first-come, first-served basis, and possession of a valid general parking permit does not guarantee the Capitol Mall employee a general parking space. (3-29-10)

08. Visitor Parking Spaces. Capitol Mall Parking will make available a limited number of parking spaces for visitors and the public visiting the Capitol Mall. (3-29-10)

a. Non-metered visitor parking spaces will be available at the parking lot at the ~~corner between 6th and Washington Streets~~, Capitol Annex at 514 W. Jefferson Street and on the ~~southern~~ side of the parking lot at the State Library Building at 325 W. State Street, and will be clearly marked. ~~(3-29-10)~~(7-1-14)T

b. State-owned vehicles that do not belong to the departments' tenants of the Capitol Mall, and non-Capitol Mall employees visiting the Capitol Mall on business, may park in visitor parking spaces. (3-29-10)

c. Capitol Mall employees may not park in visitor parking spaces between 6 a.m. and 6 p.m., Monday through Friday, excluding legal holidays with the exception of Human Rights Day and Presidents' Day. ~~(3-29-10)~~(7-1-14)T

023. HOURS OF OPERATION.

Space allocation is in effect from 6 a.m. through 6 p.m., Monday through Friday, excluding legal holidays with the exception of Human Rights Day and Presidents' Day. ~~(3-29-10)~~(7-1-14)T

024. -- 029. (RESERVED).

030. PARKING PERMITS.

Capitol Mall Parking will issue applicable parking permits to ~~Capitol Mall employees~~ all eligible persons who apply for a permit. ~~(3-29-10)~~(7-1-14)T

01. Parking Permits for Reserved, Legislator, Disabled Employee, Carpool, State-Owned Vehicles and General Parking. (3-29-10)

a. Capitol Mall Parking will reissue parking permits once a year. Outdated parking permits must be returned to Capitol Mall Parking. (3-29-10)

b. Capitol Mall Parking will issue ~~one (1) type of~~ the applicable parking permit to each Capitol Mall state elected official, director of an executive branch department, Legislator ~~and~~ or employee, with the exception of ~~a~~ the carpool parking permit and ~~a~~ the special motorcycle parking permit. ~~(3-29-10)~~(7-1-14)T

c. Capitol Mall Parking will issue only one (1) parking permit per employee. Capitol Mall Parking will not provide duplicate general parking permits ~~to employees.~~ State elected officials, directors of executive branch departments, and Capitol Mall employees with reserved parking spaces may request ~~an additional~~ a duplicate reserved parking permit for ~~an additional vehicle for five dollars (\$5)~~ a one-time fee equal to the general permit monthly fee. ~~(3-29-10)~~(7-1-14)T

d. All individuals and department tenants are responsible for displaying the parking permit in the front windshield or other prominent location of the parked vehicle at all times. (3-29-10)

e. In the event that a parking permit is stolen, lost or destroyed, the official, Legislator or employee must sign a statement ~~to that effect~~ attesting that the parking permit was lost, stolen or destroyed and pay a replacement fee prior to before Capitol Mall Parking issuing will issue a new permit. The replacement fee is equal to the general permit monthly fee. ~~(3-29-10)~~(7-1-14)T

02. Temporary Monthly Parking Permits. (7-1-14)T

a. An individual performing work or providing services to a department tenant as a Temporary Contract Employee in the Capitol Mall, but who does not receive a state of Idaho-issued paycheck, may purchase a general monthly parking permit ~~for a fee~~ at the same cost as a general parking permit from Capitol Mall Parking. ~~(3-29-10)~~(7-1-14)T

~~a~~b. Upon request and receipt of the general parking permit fee, Capitol Mall Parking may issue a monthly general parking permit to individuals who do not receive a paycheck issued by the state of Idaho but are performing work or providing services to a department tenant in the Capitol Mall ~~but who do not receive a state of Idaho issued paycheck.~~ This includes, but is not limited to, employees of the Idaho Central Credit Union, employees of vendors of the Commission for the Blind and Visually Impaired, and Capitol Mall tenant departments' temporary contract employees. ~~(3-29-10)~~(7-1-14)T

031. PARKING PERMIT FEES.

Pursuant to Sections 67-5701 and 67-5708, Idaho Code, ~~P~~parking permit fees will be established by the Department of Administration and ~~will be~~ administered by Capitol Mall Parking. ~~(3-29-10)~~(7-1-14)T

01. Elected Officials Parking Permits. The governor, lieutenant governor, secretary of state, attorney general, state controller, state treasurer, superintendent of public instruction, Senate pro-tem, and the speaker of the House of Representatives will be provided a reserved parking space at no charge. Additionally, upon request, Capitol Mall Parking will provide the governor ~~two~~ four (24) additional reserved parking spaces. The fee for each additional reserved parking space provided to the governor will be the reserved parking permit monthly fee. ~~(3-29-10)~~(7-1-14)T

02. Directors of Executive Branch Departments. Directors of executive branch departments will be provided a reserved parking space ~~at the reserved parking space rate, and~~ at a cost not to exceed forty dollars (\$40) per month. ~~Executive branch departments will be charged for the reserved parking spaces annually by Capitol Mall Parking.~~ (3-29-10)(7-1-14)T

03. Reserved Parking Permits. ~~The fee for a R~~reserved parking space permits ~~are twenty five dollars (\$25)~~ shall not exceed forty dollars (\$40) per month. (3-29-10)(7-1-14)T

04. General Parking Permits. ~~The fee for a G~~general parking space permits ~~are five dollars (\$5)~~ shall not exceed ten dollars (\$10) per month. (3-29-10)(7-1-14)T

05. Payment for Parking Permits. Capitol Mall employees will be charged the respective permit fee in the first paycheck of each month through a payroll deduction or ~~through an automatic deduction system as determined by the State Controller.~~ (3-29-10)(7-1-14)T

06. Legislators. Legislators who request a ~~general~~ Legislator parking space permit must pay the ~~general~~ parking permit fee, ~~and Legislators who request a reserved Legislator parking space must pay the reserved parking permit fee.~~ Legislators and Legislative ~~attaches~~ personnel who request parking spaces must pay the associated space fee for every month that the Legislature is in session. (3-29-10)(7-1-14)T

07. State-Owned Vehicles. State-owned vehicles belonging to the tenant departments will receive ~~general~~ state vehicle parking permits for a ~~general parking space~~ monthly fee not to exceed fifteen dollars (\$15). (3-29-10)(7-1-14)T

08. Replacement Permits. If a parking permit is lost, stolen or destroyed, the official, Legislator, or Capitol Mall employee will be charged a ~~five dollars (\$5) replacement~~ fee equal to the general permit monthly fee for a new permit. A statement attesting that the parking permit was lost, stolen or destroyed must be signed before Capitol Mall Parking will issue a new permit. (3-29-10)(7-1-14)T

032. -- 039. (RESERVED)

040. PARKING LOT VIOLATIONS.

01. Driving Violations. Any driving violation in a Capitol Mall parking lot or garage may result in the suspension or loss of parking privileges. (3-29-10)

a. It is a violation of these rules to drive or operate a personal vehicle negligently or recklessly in any Capitol Mall parking lot or garage. It is a violation of these rules to drive or operate a vehicle under the influence of illegal substances or alcohol in any Capitol Mall parking lot or garage. (3-29-10)

b. It is a violation for any individual to drive above the posted speed limits or drive against posted directional arrows. (3-29-10)

02. Parking Violations. Any parking violation in a Capitol Mall parking lot or garage may result in the suspension or loss of parking privileges. (3-29-10)

a. It is a violation of these rules to park in a location that is not marked as a parking space within the Capitol Mall. This includes, but is not limited to, parking in or on a driveway, sidewalk or other common driving areas of any parking lot or garage. It is also a violation to park one (1) vehicle in more than one (1) parking space. (3-29-10)

b. It is a violation to park in a ~~reserved~~ Legislator parking space without displaying the appropriate permit during the Legislative sessions. (3-29-10)(7-1-14)T

c. It is a violation to park in a reserved parking space, in a reserved disabled employee parking space, ADA space, or in a reserved carpool parking space before 9 a.m., without displaying the appropriate parking permit. (3-29-10)(7-1-14)T

d. It is a violation to park a motorcycle in any space not designated for motorcycle parking, unless ~~the individual possesses~~ a valid reserved parking permit is displayed and the motorcycle is parked in ~~his~~ the designated reserved parking space. ~~(3-29-10)~~(7-1-14)T

e. It is a violation to park or store a personal trailer in a Capitol Mall parking lot. (7-1-14)T

~~ef.~~ It is a violation of these rules to: (3-29-10)

i. Use an invalid parking permit; (3-29-10)

ii. Use a parking permit reported lost or stolen; (3-29-10)

iii. Fail to properly display a valid Capitol Mall parking permit; or (3-29-10)

iv. Transfer an invalid permit to another person. (3-29-10)

03. Other Violations. The Capitol Mall parking lots and garages are private property, and any tampering or other physical defacement of any vehicle parked on the lots or in the garage is considered a violation. ~~(3-29-10)~~(7-1-14)T

a. The distribution of flyers or other materials on vehicles parked on Capitol Mall parking lots and in ~~the 550-W~~ State ~~Street~~ Parking Garages #1 and #2 is prohibited, and violators will be escorted off the property. ~~(3-29-10)~~(7-1-14)T

b. Any individual engaging in suspicious activity or threatening behavior, or an individual loitering in a Capitol Mall parking lot or in ~~the 550-W~~ State ~~Street~~ Parking Garages #1 and #2, will be escorted off the property. ~~(3-29-10)~~(7-1-14)T

c. Public access is not allowed in ~~the 550-W~~ State ~~Street~~ Parking Garages #1 and #2 before 6 a.m. and after 6 p.m. ~~and~~violators will be considered trespassers. ~~(3-29-10)~~(7-1-14)T

04. Administrative Appeals. Alleged violations of these rules are not subject to the provisions of chapter 52, title 67, Idaho Code, regarding administrative appeals. (7-1-14)T

041. ENFORCEMENT.

01. Security and Patrol. Capitol Mall parking lots and ~~the 550-W~~ State ~~Street~~ Parking Garages #1 and #2 are secured and patrolled by Capitol Mall Parking, or its authorized representative. ~~(3-29-10)~~(7-1-14)T

02. Notice of Violation. Upon witnessing or finding a violation of these rules, Capitol Mall Parking, or its authorized representative, will leave notice with ~~any person driving~~ the occupant of the vehicle or on the vehicle parked in violation of these rules. (3-29-10)

a. Notice may be in the form of a warning or a ~~violation~~, ticket. The warning or ticket will ~~bear~~ indicate the date and hour of the violation, the nature of the violation, and the name of the Capitol Mall Parking employee or its authorized representative. A warning ~~notice or ticket~~ may be ~~used~~ issued only for those violations that do not cause the loss of a parking space and do not cause a safety hazard. ~~(3-29-10)~~(7-1-14)T

b. A ticket may be issued by Capitol Mall Parking, or its authorized representative, for a fine of at least two dollars (\$2), but ~~will~~ not ~~exceed~~ more than twenty-five dollars (\$25). ~~(3-29-10)~~(7-1-14)T

c. If an individual is determined to have altered, counterfeited or otherwise misused a parking permit, a ticket may be issued by Capitol Mall Parking, or its authorized representative, for a fine not to exceed fifty dollars (\$50). (3-29-10)

d. All tickets issued by Capitol Mall Parking, or its authorized representative, will be forwarded to the

city of Boise, county of Ada, for collection or prosecution. (3-29-10)

e. Capitol Mall Parking ~~is not precluded from suspending or terminating~~ retains the right to suspend or revoke an individual's parking privileges if the warnings or tickets have been issued or fines ~~have been~~ imposed for ~~the same~~ repeated violations. ~~(3-29-10)~~(7-1-14)T

042. SUSPENSION OR REVOCATION OF PARKING PRIVILEGES.

01. Delinquent Payment. Capitol Mall Parking may suspend or revoke any individual's parking permit if the parking permit fee is unpaid and at least thirty (30) days delinquent. Upon payment in full, Capitol Mall Parking will restore the individual's parking permit. (3-29-10)

02. Parking Privileges Suspension. (3-29-10)

a. Capitol Mall Parking may suspend an individual's parking permit and privileges for up to six (6) months for a violation of these rules. (3-29-10)

b. Any Capitol Mall Parking permit holder, including a temporary parking permit holder, who has been cited for three (3) violations of these rules within six (6) months, may have his parking permit and privileges revoked for up to twelve (12) months. (3-29-10)

03. Towing and Impounding. (3-29-10)

a. Capitol Mall Parking or its authorized representative may tow any vehicle from any Capitol Mall parking lot or the ~~550 W~~ or State Street Parking Garages #1 and #2, belonging to an individual who has been cited for three (3) or more Capitol Mall parking violations within a twelve-month period. The owner of the vehicle ~~will be charged a~~ is liable for any service fee owed for releasing the towed and impounded vehicle. ~~(3-29-10)~~(7-1-14)T

b. In the event that ~~the~~ a vehicle is considered a security risk, Capitol Mall Parking will make reasonable efforts to locate the owner of the vehicle before it is towed. ~~(3-29-10)~~(7-1-14)T

04. Reactivating a Suspended Permit. A suspended parking permit may be reactivated ~~at the end of~~ or after the applicable suspension period ends by reapplying for the automatic payroll deduction plan through Capitol Mall Parking and ~~payment~~ paying in full of any delinquent parking fees. ~~(3-29-10)~~(7-1-14)T

(BREAK IN CONTINUITY OF SECTIONS)

050. LOADING ZONE PARKING SPACES.

Capitol Mall Parking will designate and mark a limited number of parking spaces to be used for short-term collection ~~and or~~ delivery parking services or by authorized service contractors. It is a violation to park in loading zone parking spaces for any unauthorized purpose. ~~(3-29-10)~~(7-1-14)T